Anno decimo

Georgii III. Regis.

An Act for repairing the Road from the Bridge on the Old River at *Barton*, to *Brandon Bridge*, in the County of *Suffolk*.

WHEREAS the great Road leading from the Bridge on the Old River at Barton, in the County of Suffolk, through the Parishes of Mildenhall, Erisswell, Lakinheath and Wagford, to Brandon-bridge, in the same County, and containing in Length about Nine Miles, is very ruinous and dangerous for Carriages, Passengers and Cattle, and cannot be amended effectually by the ordinary Method prescribed by Law: May it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, Preamble.

and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable William Henry Forteſcue, the Honourable Charles Fitzroy, the Honourable Auguſtus Keppel, the Honourable Thomas Shirley, the Honourable George Townſhend, the Honourable Henry Wallop, the Honourable Barton Wallop, the Honourable Bennet Wallop, Sir Edward Aſtley Baronet, Thomas Alderſon, William Adamſon Clerk, William Adkin Clerk, Sir Richard Bedingfield Baronet, Sir Charles Bunbury Baronet, William Burch, Samuel Browne, Philip Bacon, Henry Bunbury, Thomas Ball Clerk, John Barnes Clerk, George Burton Clerk, John Brewſter, Richard Brewſter, James Brewſter, Thomas Brewſter, Richard Brewſter junior, John Brewſter junior, Jabez Bethel, Samuel Bird, the Reverend Edward Chamberlayne, Edward Chamberlayne, Wenman Roberts Coke, Thomas Lobb Chute, William Colhoun, Ralph Caudwell, Robert Clough junior, Robert Cony, Carlos Cony, Thomas Clarke, Cyril Clough Clerk, William De Grey, Thomas De Grey, Henry Daſhwood, John Daſhwood, Samuel Denton, Samuel Denton junior, Oſbert Denton, John Denton junior, James Denton, Francis Eagle, John Eaton, John Eyres, Brigg Fountaine, Daniel Guilt, John Guilt, William Grigſon, Thomas Grimmer, Rowland Holt, Hugh Hare, George Hogg, Roger Haſted, Richard Jackſon, Keer Keeble, John King, William King Clerk, Gibſon Lucas, John Locke, Valentine Leach, James Metcalfe, Thomas Mozley, Thomas John Medlycott, John Thomas Medlycott, Thomas Munro Clerk, James Mathew, Thomas Morley, John Morley, James Nelthorpe, James Nelthorpe junior, George Nelſon, Anthony Oldfield, Randyl Beck, Henry Partridge, Robert Quince, Sir John Rous Baronet, Barham Ruſhbrook, Walter Rowlinſon, Orbell Ray, William Robards, William Ranſom Clerk, Nathan Robinſon, John Robinſon, Gregory Sparke, Sir John Sebright Baronet, Sir Simeon Stuart, Baronet, John Scotchmer, Ezekiel Sparke, John Symonds, Thomas Symonds, John Swale, John Swale junior, Thomas Swale, Henry Soame Clerk, Robert Say Clerk, Henry Spelman Clerk, Sir John Turner Baronet, Francis John Tyſon, George Taſburgh, Clement Tookie Clerk, William Woolaſton, Neale Ward, Waller Wright, Henry William Wilſon, William Woodley, William Woodbine, William Clarke Woobine, Cyril Wyche, George Wright Clerk, Edward Wright, John Willet, Frederick Wollaſton Clerk, shall be, and they and their Succeſſors to be elected in Manner herein after mentioned, are hereby appointed

Truſtees.

appointed Truſtees for ſurveying, ordering, widening, repairing, and keeping in Repair the ſaid Road, and for putting in Execution all the Powers hereby given.

Qualification of Truſtees.

Provided nevertheleſs, and be it further enacted by the Authority aforeſaid, That no Perſon ſhall be capable of acting as a Truſtee in the Execution of this Act, unleſs he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear yearly Value of One hundred Pounds above Reprizes; or poſſeſſed of a perſonal Eſtate of the Value of Two thouſand five hundred Pounds; or ſhall be Heir-apparent of a Perſon poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments, of the clear yearly Value of Two hundred Pounds: And if any Perſon not being ſo qualified ſhall preſume to act in the Truſt aforeſaid, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of One hundred Pounds, to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at Weſtminſter, wherein no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and the Perſon ſo proſecuted, ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Proſecutor, than that ſuch Perſon hath acted as a Truſtee in the Execution of this Act.

Penalty on acting, if not qualified.

Treaſurer to give Security.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees ſhall, and they are hereby required to take ſuch Security of their Treaſurer, as to the ſaid Truſtees, or any Five or more of them, ſhall ſeem meet.

Time and Place of Truſtees Meeting.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them, ſhall meet together at the Houſe, known by the Sign of the White Hart in Brandon, and ſhall proceed to the Execution of this Act; and ſhall then adjourn themſelves, and afterwards meet there or at any other Place or Places near the ſaid Road, as the ſaid Truſtees, or any Five or more of them ſhall think proper, as often as there ſhall be Occaſion, or it be neceſſary for putting this Act in Execution; and if there ſhall not appear at any Meeting appointed to be held by virtue of this Act, a ſufficient Number of Truſtees to act, or to adjourn to another Day, or in caſe the Truſtees at any Time ſo aſſembled, ſhall omit or neglect to adjourn themſelves, the Clerk for the Time being to the ſaid Truſtees, ſhall from Time

They may adjourn.

In Default of a ſufficient Number to act,

Clerk to give Notice of another Meeting.

to Time (by affixing publick Notice in Writing at or upon all the Gates or Turnpikes erected by virtue of this Act, at least Four Days before the next Meeting) appoint the Trustees to meet at the House where the last Meeting was appointed to be held, on that Day Seven-night next after the Day on which such last Meeting was appointed; and that the said Trustees at all their Meetings, shall defray their own Expences; and that all Orders and Determinations of the Trustees in the Execution of this Act, shall be made at Meetings to be held in pursuance of this Act, and not otherwise; and that no such Order or Determination shall be made unless a Majority of the Trustees present shall concur therein, such Majority not being less than the Number of Trustees by this Act authorised to make any such Order or Determination; nor shall any Order or Determination be revoked or altered at any subsequent Meeting, unless the Number of Trustees revoking or altering the same shall exceed the Number of Trustees by whom such Order was made, and unless the Person or Persons applying to revoke or alter any such Order or Determination, shall give Notice thereof in Writing to the Clerk of the said Trustees, to be by him fixed up at all the Turnpikes erected upon the said Road, at least Fourteen Days previous to any Meeting to be held for such Purpose; nor shall any Trustee be capable of acting in the Execution of any of the Powers hereby granted, during the Time he shall hold any Place of Profit under this Act, notwithstanding their being Trustees, except in such Cases where they shall be personally interested.

Trustees to defray their own Expences.

Orders how to be made,

and revoked.

Trustees not to accept of a Place of Profit.

5 Trustees may adjourn.

Provided always, and be it further enacted by the Authority aforesaid, That Five Trustees shall be sufficient for the Purpose of Adjournment; and if it shall at any Time happen that no Trustees shall appear at the Time and Place appointed for any of the Meetings of Trustees to be held under this Act, then in case the Clerk or Clerks of the said Trustees shall refuse or neglect to give Notice, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Five or more of the Trustees appointed to put this Act in Execution, at any Time or Times (the Space of Ten Days after such Refusal, Neglect, or Prevention of the Clerk or Clerks having first intervened) to appoint such Trustees to meet at some House in or near the said Roads, on that Day Seven-night after the Date of such Notice; which said Notice shall be in Writing, and shall be affixed on all the Turnpikes continued or erected by virtue of this Act; and the same

In case the Clerks shall omit giving Notice, Trustees to do it.

shall

shall be deemed and taken to be sufficient Notice for any such Meeting.

And be it further enacted by the Authority aforesaid, That when and as often as any Trustee shall die or refuse to act, it shall be lawful for the surviving or remaining Trustees, or any Five or more of them, by any Writing or Writings under their Hands, to elect One other Person living in the said Counties of Suffolk and Norfolk, to be a Trustee in the Room of such Trustee so dying or refusing to act; but Notice of the Time and Place of Meeting for every such Election shall be given by the Clerk to the Trustees, by affixing the same in Writing upon all the Turnpikes upon the said Road, at least Fourteen Days before every such Meeting; and all Persons so to be chosen are hereby vested with the same Powers for putting this Act in Execution, as the Persons in whose Places they shall be respectively chosen, were vested with. On Death or Removal of Trustees, others to be chosen.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, shall and may erect, or cause to be erected, One or more Gate or Gates, Turnpike or Turnpikes, in, upon, or across any Part or Parts of the said Road; and also upon the Side or Sides thereof, and cross any Lane or Way leading into or lying near the same; and may also erect, or cause to be erected or provided, a Toll-house at or near each Turnpike, and from Time to Time remove or alter the said Turnpikes or Toll-houses, or any of them, as they the said Trustees, or any Five or more of them, shall think meet or expedient; and that the Tolls following shall be demanded and taken at every such Turnpike, by such Person or Persons as the said Trustees, or any Five or more of them shall appoint for that Purpose, before any Cattle or Carriage whatsoever shall be permitted to pass through the same; that is to say, Trustees may erect Turnpikes and Toll-houses, and take Tolls thereat.

For every Horse, Mare, or Gelding, drawing any Coach, Berlin, Landau, Chariot, Chaise, Chaise-marine, Calash, Hearse or Chair, the Sum of Three-pence. The Tolls.

For every Horse, Mare, Gelding, or other Beast of Draught, drawing any Waggon, Wain, Cart, or other Carriage, the Sum of Three-pence.

For every Horse, Mare, Gelding, Mule or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny.

For

For every Drove of Oxen or Neat Cattle, the Sum of Ten-pence per Score, and so in proportion for any greater or less Number.

For every Drove of Swine, Sheep, or Lambs, the Sum of Five-pence per Score, and so in proportion for any greater or lesser Number.

Tolls vested in the Trustees.

All which said respective Sums of Money shall be demanded and taken in the Name of, or as a Toll; and the Money so to be raised and collected, shall be, and is hereby vested in the said Trustees; and shall be applied, or may be assigned in such Manner as is herein after mentioned; and if any Person or Persons subject to the Payment of any of the said Tolls, shall, after Demand thereof made, refuse or neglect to pay the same, it shall and may be lawful for the Person or Persons appointed to collect such Tolls, to seize and distrain any Horse or Horses, or other Cattle or Goods, or any Carriage, upon which such Toll is by this Act imposed, or any of the Goods and Chattels of such Person or Persons who ought to pay the same; and if such Tolls, and the reasonable Charges of such Seizure and Distress, shall not be paid within the Space of Five Days after such Seizure and Distress made, the Person or Persons so seizing and distraining shall and may sell the Horse or Horses, Cattle, Carriage, Goods or Chattels so seized or distrained, returning the Overplus (if any there be) upon Demand, to the Owner or Owners thereof, after such Tolls, and the reasonable Charges occasioned by such Distress and Sale shall be deducted.

Tolls may be levied by Distress.

Distress may be sold after 5 Days.

No Turnpikes to be erected in *Brandon Ferry Street*.

Provided always, and it enacted, That no Turnpike-gate, or Side-gate, shall be erected or set up by virtue of this Act, in Brandon Ferry Street, so as to subject any Person to the Payment of any of the Tolls hereby granted, for passing or repassing with any Horse, Cattle, or Carriage whatsoever, through the Town of Brandon, to and from the Borough of Bury Saint Edmund's, in the County of Suffolk, and the Borough of Thetford, in the Counties of Norfolk and Suffolk; any Thing contained in this Act to the contrary notwithstanding.

Turnpikes and Toll-houses vested in Trustees.

And be it enacted by the Authority aforesaid, That the Right and Property of all the Turnpikes and Toll-houses, to be erected and provided by virtue of this Act, and of the Materials provided for building or repairing the same, or of which the same shall respectively consist, and also all Materials which shall be actually cut, digged, got, collected or gathered, for repairing the said Road, shall be and are hereby vested in the said Trustees,

and

and they, or any Five or more of them, are hereby impowered to diſpoſe thereof, or any Part thereof, as they ſhall think proper; and to bring, or cauſe to be brought, any Action or Actions, Suit or Suits, in the Names of any Five or more of the ſaid Truſtees, or in the Name of their Treaſurer or Clerk, or to prefer, or order the preferring any Bill or Bills of Indictment againſt any Perſon or Perſons who ſhall take, ſteal, carry away, break down, injure, or ſpoil the ſame, or any Part thereof, or diſturb them in the Poſſeſſion thereof.

Truſtees may vary the Tolls.

Provided always, and be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, from Time to Time, aſſembled at a Meeting or Meetings to be held for that Purpoſe (with the Conſent of the Perſon or Perſons who ſhall then be entitled to Five-ſixths, or more, of the Money which ſhall have been advanced upon the Credit of the ſaid Tolls) to leſſen, vary, or alter all or any Part of the Tolls hereby granted, and for ſuch Time or Times as they the ſaid Truſtees, or any Nine or more of them, ſhall think proper; and may afterwards, if there ſhall be Occaſion, advance or raiſe the ſame again, ſo as the ſame do not exceed the Tolls by this Act granted; and ſuch Tolls ſo leſſened or altered, ſhall be collected, recovered, and applied, in the ſame Manner as the Tolls hereby granted are directed to be collected, recovered, and applied: But no Meeting ſhall be held for any of the Purpoſes aforeſaid, unleſs Fourteen Days previous Notice, at the leaſt, be given thereof in Writing, to be affixed upon all the Gates or Turnpikes which ſhall be then erected by virtue of this Act.

Notice of Meeting to be given.

Tolls to be paid but Once a Day.

Provided alſo, and be it further enacted by the Authority aforeſaid, That no Perſon or Perſons ſhall be ſubject to pay any Toll more than Once for paſſing and repaſſing at any Time or Times in any One Day, to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night, with the ſame Cattle or Carriage, through all or any of the Gates or Turnpikes to be erected by virtue of this Act; any Thing herein contained to the contrary notwithſtanding.

Truſtees may compound for Tolls.

And be it further enacted by the Authority aforeſaid, That the ſaid Truſtees, or any Five or more of them may, and they are hereby impowered, from Time to Time (if they ſhall think proper) to compound or agree for any Term, not exceeding One Year, with all or any of the Inhabitants of the ſeveral Towns, Pariſhes, Hamlets, or Places through which the ſaid Road hereby directed to be repaired doth lead, for the paſſing of their

or any of their Cattle or Carriages not travelling for Hire, through all or any of said Gates or Turnpikes; which Composition-money shall be paid in Advance, and in Default thereof, the Composition or Agreement, with the Person or Persons making such Default, shall from thenceforth be void; and all such Composition-money shall be applied in such Manner as the Tolls are herein directed to be applied.

Trustees may lease the Tolls, &c.

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them may, and they are hereby impowered, upon One Month's Notice in Writing, being affixed on the several Turnpikes upon the said Road for that Purpose, to lease or farm by the Year the Tolls by this Act granted, or any Part or Parts thereof, to any Person or Persons, at or for the largest yearly Sums that can be got for the same; provided that such Lettings or Agreements be made in Writing, and signed by the Person or Persons taking or farming the said Tolls, and by the Trustees that lett the same, and be not made for more than One Year at a Time; and that the Money that shall be so agreed to be paid for the said Tolls shall be made payable, and shall be paid to the said Trustees by half-yearly Payments; and that the Person or Persons to whom the same shall be so lett shall always pay down Half a Year's Pay in Advance; and if any Letting or Agreement for letting the said Tolls, or any Part or Parts thereof, shall be made, or any Default shall be made in paying the Money agreed to be paid, contrary to the true Meaning of this Act, then every such Letting and Agreement shall be void; and the Person or Persons to whom the said Tolls shall be lett shall be liable to account for the same, and to have the same levied upon and of him and them, in the same Manner as is by this Act directed, for the accounting for the said Tolls by the Collectors thereof, and for levying the same.

Expences of this Act to be first paid.

And be it further enacted by the Authority aforesaid, That out of the first Monies to be raised by virtue of this Act, the said Trustees, or any Five or more of them, shall, in the first Place, pay and defray all the Charges and Expences attending the procuring and passing or in relation to the obtaining this Act; and shall, from Time to Time, apply the Remainder of the Money so raised in erecting and repairing Turnpikes and Toll-houses, and in repairing, altering, widening, and keeping in Repair the said Road, and of executing all the other Purposes of this Act, and to no other Use whatsoever.

Application of the Tolls.

2

Provided

Provided always, and it is hereby further enacted and declared by the Authority aforesaid, That no Tolls shall be demanded or taken for any Cattle or Carriage whatsoever, employed in the Conveyance or Loading of any Furze, Heath, Ling, Stones, Gravel, Sand, or other Materials for the repairing the said Road, or any of the Roads in the Townships, Parishes, Hamlets, or Places in which the Road hereby intended to be repaired, or any Part thereof, doth lie; or any Dung, Mould, or Compost, of any Nature or Kind whatsoever, for the manuring of Lands or Grounds within the said respective Townships, Parishes, Hamlets, or Places; nor for any Waggon, Cart, or Carriage, carrying any Hay or Corn in the Straw, to be laid up in the Houses, Out-houses, Yards, or other Places belonging to or used by the respective Inhabitants, or other Person or Persons renting, holding, or occupying any Lands, Meadows, or Grounds of or in the several Townships, Parishes, Hamlets, or Places in which the said Road lies; nor for any Ploughs, Harrows, or other Implements of Husbandry, in order to the using or repairing the same, or any other Thing whatsoever used or employed in Husbandry, and for manuring and stocking of Land in the said several Parishes, Townships, Hamlets, or Places; nor for any Horses or other Cattle going to or returning from Water or Pasture in the said respective Townships, Parishes, Hamlets, or other Places; or for any Sheep going to be washed or returning from washing, at any Wash-dyke, River, or other Places used for the washing of Sheep, in or near any Part of the said Road; or for any Sheep going to or returning from any Place used for the Clipping of Sheep near the said Road; or for any Post-horse or Carriage carrying any Mail or publick Packet; or for the Horses of any Soldiers that are upon their March; or for the Horses, Waggons, Carts, or Carriages employed in the drawing or conveying the Arms or Baggage of such Soldiers; or for Horses, Carts, or Carriages travelling with Vagrants sent by lawful Passes, or returning after having been so employed; or for any Horse, Mare, Gelding, Mule, Ass, or for any Coach, Chaise, or other Carriage that shall be going to or returning from any Election of a Knight or Knights of the Shire to serve in Parliament for the Counties of Suffolk or Norfolk, on the Day of such Election, or on the Day before or Day after such Election shall begin or be concluded; any Thing herein before contained to the contrary notwithstanding: And if any Person shall claim and take the Benefit of any of the Exemptions aforesaid, not being duly intitled

Exemptions from Tolls.

No Tolls on Election Days.

Penalty on making illegal Claims.

to

to the same, every such Person shall forfeit and pay the Sum of Five Pounds; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied in such a Manner as the other Penalties and Forfeitures are herein after directed to be applied.

Penalty on permitting, or going through, private Passages, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons shall, with any Horse, Cattle, Beast, or Carriage whatsoever, pass through any Land, Ground, or Hereditament, adjoining to or lying near any Turnpike erected or to be erected upon the said Road (the same not being a publick Highway); or if the Owner or Occupier of any such Land, Ground, or Hereditament, shall knowingly permit or suffer any Person or Persons with any Horse, Cattle, Beast, or Carriage to pass through the same, whereby the Payment of any of the said Tolls, or any Part thereof, shall be avoided; or if any Person or Persons shall give to or receive from any Person or Persons, or forge or counterfeit any Ticket by this Act directed to be given by the Collector of the Tolls; or if any Person or Persons shall at any Time or Times take off, or cause to be taken off, any Horse, or other Cattle or Beast from any Carriage, whereby the Payment of any of the Tolls or Part thereof shall be avoided; or shall leave or cause to be left upon or near to any Part of the said Road, any Carriage, Horse, Cattle, or Beast, with an Intent to evade the Payment of the said Tolls, or any Part thereof, or with such Intent shall unload any Goods from any Horse, Cattle, Beast, or Carriage; every Person so offending in any of the Cases aforesaid, shall, for every Offence, forfeit the Sum of Five Pounds; One Moiety whereof shall be paid to the Informer, and the other Moiety shall be applied towards amending the said Road.

Trustees may borrow Money on the Credit of the Tolls.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Trustees, or any Nine or more of them, at any Meeting to be held in pursuance of this Act, upon the Credit of the Tolls arising by virtue of this Act, in such Manner as they shall think proper, to borrow and take up at Interest, any Sum or Sums of Money, which they, or any Nine or more of them shall think fit; and they, or any Nine or more of them are hereby empowered, from Time to Time, by any Writing or Writings, under their Hands and Seals, to mortgage and assign over the said Tolls, or any Part or Parts thereof (the Charges of such Mortgages or Assignments to be paid out of such Tolls) to any Person or Persons, for any Term

Tolls may be assigned for Money borrowed.

or

or Number of Years, during the Continuance of this Act, as a Security or Securities for the several Sums of Money which shall be borrowed as aforesaid, and the Interest thereof; and Copies of all such Mortgages and Assignments shall be entered in a Book or Books, to be kept for that Purpose, by the Clerk or Treasurer to the said Trustees; but no Money shall be borrowed upon the Credit of the said Tolls, unless Notice in Writing be for that Purpose affixed upon all the said Turnpikes erected upon the said Road, at least Fourteen Days before the borrowing such Money; and all and every Person or Persons to whom any such Mortgage or Assignment shall be made as aforesaid, is and are hereby impowered, from Time to Time, by Assignment under his, her, or their, Hand or Hands, to be indorsed on the Back of his, her, or their Security, or by any other Writing or Writings to be executed under his, her, or their Hand and Seal, or Hands and Seals, in the Presence of Two or more credible Witnesses, to transfer or assign over such Security or Securities, and the Money both Principal and Interest which shall be due thereon, to any Person or Persons whomsoever; all which Assignments or Transfers shall be produced and notified to the Clerk or Treasurer to the said Trustees, within Six Calendar Months after the Date thereof, who shall cause an Entry to be made of such Assignments, containing the Dates, Names of the Parties, and Sums of Money therein mentioned to be assigned or transferred, in the said Book or Books to be kept for entering the said original Mortgage or Mortgages, for which such Clerk or Treasurer shall be paid the Sum of Two Shillings and Sixpence, and no more; and which said Book or Books shall or may, at all seasonable Times, be perused and inspected without Fee or Reward; and after such Entry made, such Assignment or Transfer shall intitle such Assignee, his, her, and their Executors and Administrators, to the Benefit thereof and Payment thereon; and such Assignee may in like Manner assign or transfer again, and so toties quoties; and it shall not be in the Power of any Person who shall have made such Assignment or Transfer, to make void, release, or discharge the same, or any Monies due thereon; and all and every Person or Persons to whom any such Mortgage or Assignment shall be made as aforesaid, shall be, in proportion to the Sum or Sums therein mentioned, Creditors on such Tolls in equal Degree one with another,

Notice to be given of borrowing Money.

Assignments may be transferred.

Assignments to be entered in Books.

Clerk's Fee.

All Creditors to be deemed equal in Degree.

and shall have no Preference in respect to the Priority of advancing any such Monies.

Creditors may take Possession of Toll-gates.

And be it further enacted by the Authority aforesaid, That in case any Person or Persons who shall lend or advance any Money on the Credit of the Tolls by this Act granted, or such Person or Persons to whom any such Loans shall become due and payable, shall at any Time be desirous to be repaid the Money due to him, her, or them, and shall deliver a Notice in Writing, signed by him, her, or them, signifying such his, her, or their Desire, to the Clerk or Clerks to the said Trustees; then and in such Case, unless the Principal and Interest due and to grow due on the Security of the said Tolls, shall be fully paid unto, or tendered unto such Creditor or Creditors, so signing such Notice, within Six Months next after the Delivery of such Notice as aforesaid, at some Publick House in the Town of Brandon, it shall and may be lawful to and for the said Creditor or Creditors, to enter upon and take Possession of the Turnpikes and Toll-houses so to be erected as aforesaid, and to collect and receive, or cause to be collected and received, the Tolls by this Act granted, and to apply the same to the Payment of the Principal and Interest Monies then due to such Creditor or Creditors, so taking Possession as aforesaid.

Joint Possession may be taken of the Turnpikes.

Provided always, and be it further enacted, That in case any Person or Persons shall take Possession of the Turnpikes or Toll-houses, by virtue of the Powers given to him or them as aforesaid, and any other Creditor or Creditors shall also in like Manner signify his or their Desire to be repaid the Money then due to him or them as aforesaid, that then, and in every such Case, it shall and may be lawful for such other Creditor or Creditors likewise to enter upon, and take a joint Possession of the said Turnpikes and Toll-houses so to be erected as aforesaid; and such Creditors, or the major Part of them, shall and may within Six Days next after taking Possession as aforesaid of such Turnpikes or Toll-houses, appoint One or more Collector or Collectors to receive the said Tolls by this Act granted, who shall every Month account with such Creditors for all Monies which he, they, and every of them respectively, shall, from Time to Time, after such Seizure, receive by virtue of this Act, and pay all such Sums of Money, as shall from Time to Time appear to be in his or their Hands, to such Creditor or Creditors so taking Possession as aforesaid, in proportion to the Sum or Sums

Sums of Money which shall be then due and owing to each of them respectively, in Discharge of the same.

Trustees may appoint Officers,

And be it further enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby empowered, by Writing, under their Hands, to appoint One or more Collector or Collectors of the said Tolls, and One or more Clerk or Clerks, Treasurer or Treasurers, and One or more Surveyor or Surveyors of the said Roads, and such other Officers as they the said Trustees, or any Five or more of them shall think necessary, and take such Securities for the due Execution of their several and respective Offices as the said Trustees, or any Five or more of them shall in their Discretion think fit; and such Collectors, Clerks, Treasurers, Surveyors, and other Officers, or any of them, from Time to Time, to remove or displace, and to appoint others in the Room of such of them as shall be so removed, or shall resign, or shall die; and may and are hereby impowered, by and out of the Money arising by the said Tolls, to allow and pay to such Collectors, Clerks, Treasurers, Surveyors, and other Officers, and to such other Person or Persons as shall be aiding or assisting them, or any of them, in their respective Offices or Places, or in or about the repairing or widening the said Road, or any Part thereof, such Salaries, Rewards, and Allowances, for their respective Attendance, Care, and Service, in those Respects, as to the said Trustees, or any Five or more of them, shall seem reasonable; but no Person shall be capable of holding any Place of Profit under this Act, who shall sell Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail; and all such Officers and Persons shall, from Time to Time, when thereunto required by the said Trustees, or any Five or more of them, deliver to such Trustees, or any Five or more of them, or to such Person as they, or any Five or more of them, shall for that Purpose appoint, true and perfect Account and Accounts in Writing, under their respective Hands, upon Oath (which Oath such Trustees, or any Five or more of them, are hereby impowered to administer) of all Monies which shall have been by them respectively had, collected, or received, and how and to whom, and for what Purposes such Monies, and every Part thereof, hath or have been disposed of or applied, together with proper Vouchers and Receipts of such Payments; and shall, and are hereby respectively required, to pay all

and may remove them, and appoint others.

Trustee to allow Officers Salaries.

Victuallers, &c. not to enjoy Places of Profit.

Officers to account.

all such Monies as, upon the Balance of such Account or Accounts, shall appear to be in their several and respective Hands, to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them shall appoint to receive the same; or if any of the Officers and Persons being required so to do, shall refuse or neglect to render, and give up such Account or Accounts as aforesaid, or shall refuse or neglect to produce, and deliver up the Receipts and Vouchers relating to the same, or to verify the Articles thereof, upon his or their Oath or Oaths; or shall refuse or neglect to pay such Monies as, upon the Balance of any Account or Accounts, shall appear to be in his or their respective Hands in Manner aforesaid; or if any such Officers or Persons shall refuse or neglect to deliver up to the said Trustees, or any Five or more of them, or to such Person or Persons as they, or any Five or more of them shall appoint (within Seven Days after being thereto required by the said Trustees, or any Five or more of them) all the Books, Papers, and Writings, in his or their respective Custody or Power, relating to the Execution of this Act; then and in each, any, or either of the said Cases, it shall and may be lawful for any Two or more Justices of the Peace for the County of Suffolk, and such Justices, upon Complaint thereof being made to them, are hereby authorised and required to make Enquiry concerning such Refusal or Neglect, as well by the Confession of the Party or Parties respectively, as by the Testimony of One or more credible Witness or Witnesses, upon Oath (which Oath the said Justices are hereby impowered and required to administer, without Fee or Reward); and if any such Officers or Persons shall be convicted of any or either of the Offences aforesaid, such Justices shall commit every such Offender to the Common Gaol, there to remain without Bail or Mainprize, until he or they shall give and make a true and perfect Account or Accounts and Payment as aforesaid, or until he or they shall have compounded with the said Trustees, or any Five or more of them, and shall have paid such Composition, in such Manner as the said Trustees, or any Five or more of them shall appoint (which Composition the said Trustees, or any Five or more of them, are hereby impowered to make) or until he or they shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees, or any Five or more of them.

Officers neglecting or refusing to account,

Justices to inquire into the Default,

and on Conviction, commit the Offender,

until Payment or Composition made.

Provided

Provided nevertheless, That as often as any Collector of any of the said Tolls shall die, or be incapable of performing his Duty, it shall and may be lawful for any Five or more of the said Trustees (though not assembled at a Meeting pursuant to this Act) by Writing under their Hands, to appoint any other Person to receive or collect such Tolls; and the Person so appointed shall have the same Power and Authority for Recovery of the said Tolls as the Person he shall succeed was vested with, until the Trustees, or any Five or more of them shall, at a Meeting to be held by virtue of this Act, appoint a Receiver or Collector of such Tolls. On Death, &c. of Collector another to be chosen.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the Surveyor or Surveyors appointed or to be appointed, or for any other Person or Persons by them, or any of them, or by the said Trustees, or any Five or more of them for that Purpose employed, to cut, dig, gather, take and carry away, any Furze, Heath, Stones, Gravel, Chalk, Lime-stones, Sand, Flints, or other Materials proper for repairing the said Road, in, upon, out of, or from any Waste or Common Ground, or from any River or Brook, in any Parish, Town or Place, in, adjoining to, or lying near the said Road, or in any neighbouring Parish, Town or Place, to be used, disposed of, and applied in repairing the said Road, without paying any Thing for the same; and also by Order of the said Trustees, or any Five or more of them, to cut, dig, gather, take and carry away any Quantity or Quantities of Furze, Heath, Gravel, Stones, Chalk, Lime-stones, Stand, Flints, or other Materials proper and sufficient for that Purpose, in, upon, or out of, and from, or over the Lands, Fields or Grounds of any Person or Persons, where the same may be had or found, to be used, disposed of, and applied in or towards the repairing the said Road, (such Lands and Grounds not being a Yard, Garden, Orchard, Park, Paddock, Wood, Coppice, Nursery or inclosed Grounds, now planted with any Avenue of Trees) paying, or tendering Payment, of such Rates for such Materials, and for the Damage done to the Owners or Occupiers of such Lands and Grounds, where and from whence the same shall be digged, drawn, gathered, taken, and carried away, or over which the same, or any other Materials gotten in any Waste Ground, Common, River, or Brook, or private Grounds, shall be conveyed, as the said Trustees, or any Five or more of them, shall adjudge reasonable; they the said Trustees or Surveyors causing the Pits to be filled up, Surveyors may dig Gravel, &c. in Waste Grounds, without paying for the same; or from private Grounds, making Satisfaction to the Owners; and levelling the Pits.

and the Ground to be levelled, from whence such Materials shall be so taken, or sufficiently fenced in and secured.

Penalty on taking away Materials gotten for the Repair of the Road.

Provided also, and be it enacted, That if any Owner or Occupier of any Grounds or Soil, or any Person whatsoever, shall take and carry away any Materials whatsoever, which shall have been cut, got, digged, or gathered, in any Lands, Fields, Wastes or Grounds, River or Brook, for the Use or Purpose of repairing the said Road; or shall get or take away any Materials out of any Pit or Quarry, which shall have been made or used for the Purpose of getting such Materials, before the said Surveyor or Surveyors, or his or their Workmen, shall have discontinued working therein, by the Space of Twenty-one Days (except the Owner or Occupier of any private Ground, for his own private Use, and Persons authorised by such Owners or Occupiers to get Materials therein, for his own private Use, and not for Sale) every Person so offending shall forfeit and pay for every such Offence the Sum of Ten Pounds.

Trustees impowered to purchase Lands, to be laid into the Roads.

And be it further enacted by the Authority aforesaid, That if the said Trustees, or any Nine or more of them, shall think it necessary to widen or alter any Part or Parts of the said Road by this Act intended to be repaired, or to turn or lead any Part or Parts thereof another Way, or any other Ways, then it shall and may be lawful for the said Trustees, or any Nine or more of them, from Time to Time, to contract with any Person or Persons for the Purchase or Exchange of any Lands or Hereditaments lying by the Side or Sides of or near to any Part or Parts of the said Road, or either of them, or that shall be proper or convenient for widening, turning, or altering, any Part or Parts of the said Road, (provided that such Part or Parts of the said Road as shall be so widened, turned or altered, be not thereby made wider than the Breadth of Sixty Feet, including the Ditches) and to pay for the same Lands and Hereditaments, by and out of the Tolls and other Monies to be raised by virtue of this Act; and all Bodies Politick and Corporate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Guardians and other Trustees, for and on Behalf of Infants, Femes-covert or Cestuique Trusts, and all other Persons whomsoever, may and shall contract and agree with the said Trustees by this Act appointed or to be appointed, or any Nine or more of them, for the absolute Sale or Exchange of such Lands and Hereditaments

reditaments, and of their respective Estates and Interest therein, and may and shall convey such Lands and Hereditaments to the same Trustees, or any Nine or more of them, for the Purposes aforesaid; and all Contracts, Sales, and Conveyances, that shall be so made as aforesaid, shall be valid and binding against and to all Persons, and to all Intents and Purposes whatsoever.

If the Persons interested shall refuse to treat, &c.

And be it further enacted by the Authority aforesaid, That if any Body Politick or Corporate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Trustee, or other Person or Persons whatsoever entitled to, or interested in, any Lands or Hereditaments, which the Trustees appointed or to be appointed by virtue of this Act, or any Nine or more of them, shall think necessary to be purchased for the widening, turning, or altering, any Part of the Road by this Act intended to be repaired, or any Part thereof, shall, upon Application to them, or any or either of them for that Purpose made, refuse or neglect to treat with such Trustees for the Sale of such Lands or Hereditaments; or if by reason of their or any of their Absence or distant Residence from the Lands or Hereditaments intended to be purchased, he or they cannot conveniently be applied to, or treated with, for that Purpose; or if, on treating, he or they shall not agree with the said Trustees for the Prices of such Lands or Hereditaments; then, and in either of such Cases, the said Trustees, or any Nine or more of them, may, and are hereby impowered, by a Warrant or Warrants, Precept or Precepts, under their Hands and Seals, to command the Sheriff of the County wherein such Lands or Hereditaments do lie, or his Deputy, to impanel, summon, and return, a Jury of Twenty-four honest and disinterested Men of the said County, to be and appear before the said Trustees at a certain Time and Place to be specified in the said Warrant or Warrants, Precept or Precepts, the said Time being at least Ten clear Days next after the Date and Delivery of the said Warrant or Warrants, Precept or Precepts respectively, to the said Sheriff or his Deputy, then and there to assess and ascertain the Prices or Value of the Lands and Hereditaments intended or necessary to be purchased; and the said Sheriff, or his Deputy, is hereby required to impanel, summon, and return, the said Jury accordingly, giving to each Juryman at least Ten clear Days Notice of the Time and Place of Attendance; and the said Jurymen are hereby required to attend accordingly; and the said Trustees, or any Nine or more of them, having caused Ten clear Days Notice in Writing

Trustees to issue their Warrant to the Sheriff for returning a Jury.

Jury to settle the Damage and recompence.

ing, under their Hands, to be given to the Person or Persons entitled to the said Lands or Hereditaments intended to be purchased, or to be left at their last or usual Place or Places of Abode, or at the Place or Places of Abode of the respective Tenant or Tenants in Possession of such Lands or Hereditaments, thereby setting forth the Nature, Situation, and Quantities, of such Lands or Herediments, and the Time when, and the Place where, the said Jury are to meet, to assess and ascertain the Value thereof; they the said Trustees, or any Nine or more of them, may proceed to enquire by Twelve of the said Jurors, on their Oaths, of the Value of such Lands or Hereditaments: And in Default of a sufficient Number of Jurors, the Sheriff or his Deputy shall return other like Persons of the Bye-standers, or that may be conveniently had for the Service; and to which Jurors all Parties interested shall have their lawful Challenges; and the said Trustees, or any Nine or more of them, having given the Nature of the Enquiry in Charge to the said Jury that shall be sworn, may, and are hereby impowered to send for, summon, and examine, all proper Persons on their Oaths, concerning the Natures and Values of the said Lands and Hereditaments; and if needful, or required, to cause the Jury sworn to view the said Lands or Hereditaments, and to take such other Measures to inform themselves and the Jury sworn, concerning the Natures and Values of the said Lands and Hereditaments, as they shall think proper; and the said Jury, being so informed, shall by their Verdict assess and ascertain the Value of the respective Lands and Hereditaments that shall have been given them in Charge to enquire of; and the said Trustees, or such Nine or more of them, as shall be present at the taking of such Inquest, shall thereupon adjudge the Sums of Money assessed by the said Juries, as the Values of the said Lands or Hereditaments, to be paid to the Person or Persons entitled to the same Lands or Hereditaments; and such Findings of the Juries, and Judgements of the said Trustees, shall be final, binding and conclusive to all Bodies Politick or Corporate, Ecclesiastical or Civil, Corporations Aggregate and Sole, Infants, Femes Covert, and other Persons whomsoever, any wise interested, or to be interested, in the said Lands and Hereditaments, or any Part thereof; and if any such Sheriff or his Deputy shall refuse or neglect duly to obey any Warrant or Precept of the said Trustees, or to do any

Jurors may be challenged.

Jury to assess the Damage and Recompence;

whose Verdict shall be binding.

Penalty on Sheriff, &c. neglecting to obey Warrant.

Act

Act or Matter of his Office relating to the Premiſes, or if any Juryman ſo ſummoned as aforeſaid, ſhall not appear, or appearing, ſhall refuſe to be ſworn, or if ſworn, ſhall not find his Verdict concerning the Matters that ſhall be given him in charge; or if any Witneſs being ſent for, or ſummoned to appear and give Evidence to the ſaid Truſtees and Juries, ſhall not appear, or if appearing, ſhall refuſe to be ſworn, and thereupon to give Evidence concerning the Matters aforeſaid; every ſuch Sheriff, Deputy, Juryman, and Witneſſes, ſhall for every ſuch Refuſal, Neglect or Offence, forfeit the Sum of Ten Pounds.

Houſes, &c. not to be damaged.

Provided always, and it is hereby further enacted and declared by the Authority aforeſaid, That the Powers and Authorities given to the ſaid Truſtees as aforeſaid, ſhall not extend to the pulling down any Dwelling-houſe or other Building, or taking in the Site of any Houſe or other Building, or to take in any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to any Houſe; any Thing herein contained to the contrary notwithſtanding.

Surveyors may remove Annoyances;

And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful to and for the ſaid Surveyor or Surveyors, and ſuch Perſon and Perſons as he or they ſhall employ or appoint, from Time to Time, ſuch Surveyor or Surveyors having an Order for that Purpoſe from the ſaid Truſtees, or any Five or more of them, to remove and prevent all Annoyances on any Part of the ſaid Road, by Filth, Dung, Timber, Wood, Rubbiſh, or otherwiſe; and to turn, alter, ſcour or cleanſe any Watercourſes, Sinks, Ditches, or Drains running into, along, croſs, or out of the ſaid Road, and make the ſame as deep and large as he or they ſhall think proper and neceſſary; and to cut down, lop, or top any Tree or Trees, or Buſhes growing in or near to the ſaid Road, or in the Hedges or Banks adjacent thereto, and to take, remove, and carry away the ſame, and to plaſh or lower any Hedges adjoining to the ſaid Road; in caſe the Owners or Occupiers of the Premiſes ſhall neglect to remove the ſame, or to cut down, lop, or top, or carry away ſuch Tree or Trees, or Buſhes, or plaſh or lower ſuch Hedge as aforeſaid, or to turn, open, ſcour, or cleanſe ſuch Watercourſes, Sinks, Ditches or Drains, or remove ſuch other Annoyances, for the Space of Twenty-one Days next after Notice for that Purpoſe by the Surveyor or Surveyors; the Charges whereof (to be ſettled by the ſaid Truſtees, or any Five or more of them) ſhall be reimburſed to the ſaid Surveyor or Surveyors

cleanſe Ditches;

and cut down Trees, &c.

Charges to be reimburſed the Surveyor.

heyors by such respective Owners or Occupiers, the same to be recovered in such Manner as the Penalties and Forfeitures are herein after directed to be recovered; and if after Removal of any of the said Annoyances, any Person or Persons shall again offend in the like Kind, every such Person shall for every such second Offence, forfeit and pay the Sum of Forty Shillings.

Surveyors may make Causeways, &c.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Surveyor or Surveyors (by Order of the said Trustees, or any Five or more of them) to make or cause to be made, Causeways and Drains in and upon the said Road, and also to cut or make Ditches or Drains through any Lands or Grounds lying contiguous thereto, and to erect or keep in repair Bridges or Arches of Brick, Timber or Stone, upon the said Road, or enlarge any Bridges or Arches already made; and to divert and turn the said Road, or any Part or Parts thereof, over any Part of the Commons, Warrens, or Waste Grounds adjoining thereto, or through which the said Road doth now pass;

cut Ditches,

and also to cause Ditches or Trenches to be made in such Places, and in such Manner as the said Surveyor or Surveyors shall think necessary for the better amending and keeping the said Road in good Repair and Condition;

and make a temporary Road;

and also to make or cause to be made, a Road or Way through, over, and along the Lands or Grounds adjoining on any narrow, ruinous or incommodious Part or Parts of the said Highway or Road hereby intended to be repaired (not being a Yard, Garden, Orchard, planted Walk or Walks, or Avenue to a House) to be made use of by all Passengers, with Cattle, Carriages, or otherwise as a publick Highway or Road, whilst the old Road is repairing, altering, or widening, and until such Time as it shall be convenient and safe for Passengers and Carriages to pass along the same;

making satisfaction to the Owners.

making such reasonable Satisfaction to the Owners or Occupiers of such Lands or Grounds respectively, which shall be so laid in or unto the said Road, or through which any such Drain or Drains shall be cut, or through which any such temporary Road shall be made, for the Damages which such Owners or Occupiers respectively shall or may sustain, as shall be adjudged reasonable by the said Trustees, or any Five or more of them;

Justices to determine Differences.

and in case of any Difference concerning the same, between such Owners or Occupiers and the said Trustees, that then it shall and may be lawful for the Justices of the Peace, or Two of them, assembled at the next General Quarter Sessions of the Peace, to be holden for the County,

County, Division, or Place wherein such Lands or Grounds shall lie, and they are hereby impowered and required to hear, settle, and finally determine what Recompence shall be made to such Owners or Occupiers for the respective Damages sustained as aforesaid, whose Judgement or Order therein shall be conclusive to all Parties concerned.

Persons chargeable to the Repair of the Road, to continue so.

Provided nevertheless, and it is hereby enacted and declared, That all and every Person and Persons who are any ways liable or chargeable towards repairing, supporting, and amending the said Road, or any Part or Parts thereof, or any Bridges or Arches upon or across the same, shall still remain and be liable and chargeable to such Repairs, in such and the same Manner as before the passing of this Act they were liable and chargeable, except so far as is herein or hereby otherwise directed.

Inhabitants to perform Statute-work.

And be it enacted by the Authority aforesaid, That all and every the Inhabitants of the several Townships, Parishes, Hamlets and Places, through which the said Road doth lead, who by the Laws and Statutes of this Realm are or shall be liable to work in the Highways for the repairing thereof, commonly called Statute-work, shall, and are hereby required to do and perform such and so many Days Work in the Proportion for each respective Township, Parish, Hamlet or Place, as herein after mentioned (that is to say) not exceeding Three Days Work for any one Person or Team, in any one Year, for the Townships or Parishes of Midenhall, Eriswell, Lakinheath and Langford, and not exceeding Three Days Work for any Person or Team in any one Year, for the Township and Parish of Brandon, in such Part or Parts of the said Road, lying within such Townships, Hamlets, Parishes or Places respectively, and at such Time or Times, and in such Manner as the said Trustees, or any Five or more of them, or the Surveyor or Surveyors for the Time being, shall direct or appoint; and all and every Person or Persons who shall at any Time or Times, during the Continuance of this Act, rent, hold, or occupy any Lands, Grounds, Tenements or Hereditaments, within any of the said Townships, Parishes, Hamlets or Places, of the yearly Value of Fifty Pounds, shall be deemed and adjudged to keep a Team within such respective Township, Parish, Hamlet or Place, and shall accordingly do and perform such Work in and towards the repairing the said Road in such respective Township, Parish, Hamlet or Place, as

Persons renting 50*l.* a Year, deemed Team-holders.

as Persons actually keeping Teams therein are compelled by Law to do.

Surveyors, &c. to give in Lists of Persons liable to do Statute-work.

And be it further enacted by the Authority aforesaid, That the Surveyor or Surveyors of the Highways of each and every of the said Townships, Parishes, Hamlets and Places, or in case no Surveyor is or shall be appointed, then the Churchwardens and Overseers of the Poor of such Townships, Parishes, Hamlets and Places, shall yearly and every Year during the Continuance of this Act (on Seven Days Notice, from the Surveyor or Surveyors appointed by virtue of this Act) return and deliver to such Turnpike Surveyor or Surveyors, true and perfect Lists in Writing under their respective Hands, of the Names of all the Inhabitants of such Townships, Parishes, Hamlets and Places respectively, and of such other Person and Persons as are obliged by virtue of this Act to do Statute-work for that Year, in and upon the said Road, and shall in such Lists, and every of them, distinguish which of such Inhabitants and Persons do and by this Act shall be deemed to keep a Team or Teams, and which of them are Labourers only; and the Surveyor or Surveyors of the Highways, Churchwardens or Overseers of the Poor, for such respective Townships, Parishes, Hamlets or Places, within Seven Days after such Notice shall be given to him or them by such Turnpike Surveyor or Surveyors, of the Time or Times when, and how many of the Persons so chargeable as aforesaid, he or they would have to do such their respective Statute-work, upon any Part or Parts of the said Road, shall give publick Notice thereof to any Person or Persons so chargeable as aforesaid; and if any Surveyor, Churchwarden, or Overseer of the Poor, for any such Township, Parish, Hamlet or Place, shall neglect or refuse to do as he or they are hereby directed and required, every such Surveyor, Churchwarden or Overseer of the Poor, shall, for every such Default, forfeit and pay the Sum of Twenty Shillings; and every Person and Persons keeping a Team or Teams, or by virtue of this Act deemed to keep a Team or Teams in any of the said Townships, Parishes, Hamlets or Places, who shall after such publick Notice refuse or neglect to do and perform such his, her or their respective Statute-work, in or upon the said Highway or Road, at such Times and Places, and in such Manner as he, she, or they shall by the said Turnpike Surveyor or Surveyors, be respectively directed or appointed to do by virtue of this Act,

Penalty on Surveyors, &c. not delivering in such Lists.

Penalty on Persons not performing their Statute-work.

Act, every such Person and Persons shall, for every such Refusal or Neglect, forfeit and pay the several and respective Sums herein after mentioned (that is to say) every such Person and Persons who shall keep, or by virtue of this Act be deemed to keep a Team, for every Day's Default, the Sum of Ten Shillings; and every other Person not keeping, or being by virtue of this Act not deemed to keep a Team, for every Day's Default the Sum of One Shilling and Sixpence; and every Person who shall according to such Notice as aforesaid come either as a Labourer, or Person sent with a Team to work on the said Road, and shall be found idle or negligent in his Duty, by the said Turnpike Surveyor or Surveyors where the said Statute-work is to be done, such Surveyor or Surveyors may and is and are hereby required to discharge such Person, and it shall be deemed as if such Person or such Team had not come or been sent to do such Work; and every such Labourer or Person, or the Owner of such Team, shall be subject and liable to the respective Penalties and Forfeitures before mentioned.

Trustees may compound for Statute-work.

Provided also, and be it enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, or the Surveyor or Surveyors by them appointed, to compound or agree for any Term not exceeding One Year, with the Owners, Possessors or Occupiers of Lands, Grounds, Tenements or Hereditaments, which are or shall be liable to or chargeable with the Repair of any Part or Parts of the said Road, or with any Person or Persons for the Performance of his, her, or their Statute-work thereon; and also, that it shall and may be lawful for the Surveyor or Surveyors of the Highways of any of the said Townships, Parishes, Hamlets or Places, or such Churchwardens or Overseers of the Poor respectively as aforesaid (by and with the Consent of the Majority of the Inhabitants of such Townships, Parishes, Hamlets, or Places, first had at any Vestry or other publick Meeting of such Inhabitants respectively) to compound or agree for any Term not exceeding One Year, with the said Trustees, or any Five or more of them, or with the Surveyor or Surveyors appointed by virtue of this Act, for and in lieu of the Statute-work to be performed by such respective Inhabitants or Persons upon the said Road: All which Composition-money shall from Time to Time be paid in advance into the Hands of the Treasurer or Clerk, and shall be applied in Repair of the said Road lying in such respective Township, Parish, Hamlet or Place; and all such Surveyors, Churchwardens, or

Overseers of the Poor, shall be reimbursed the Money so by them respectively paid, in such Manner and by such Means as Surveyors of the Highways are, by the Laws now in being, to be reimbursed the Monies by them respectively expended in repairing the Highways.

Trustees may contract for repairing the Road.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall for that Purpose authorise or appoint, are hereby impowered from Time to Time to contract or agree with any Person or Persons for repairing, widening, altering or amending the Road by this Act directed to be repaired, or any Part or Parts thereof, and for erecting Mile-stones or Posts thereon, in such Manner, and for such Sum or Sums of Money, as the said Trustees, or any Five or more of them shall think proper; and that all Contracts or Agreements in Writing, entered into pursuant to an Order made at any Meeting by the said Trustees, or any Five or more of them, shall be binding to all Parties who shall sign the same, his, her, and their Executors and Administrators, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the Party or Parties failing in the Execution of such Contracts or Agreements.

Roads to be measured, and Mile-stones erected.

And be it enacted by the Authority aforesaid, That the said Trustees, or any Five or more of them, may, and are hereby impowered and required to cause the said Road to be measured, and Mile-stones or Posts to be fixed, or set up on the Sides of the said Road, with Inscriptions thereon, denoting the Number of Miles and Distance of Places, as they, or any Five or more of them, shall think fit; and that if any Person or Persons shall wilfully or designedly break or pull down, dig up, injure or destroy, any of the Stones or Posts that shall be so fixed or set up, or erase, obliterate or deface, any of the Inscriptions or Letters which shall be engraved or made thereon, or any Part thereof, or cause or procure, or encourage any Person or Persons to do the same, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of Forty Shillings for each and every Stone or Post so wilfully or designedly broken, obliterated, defaced, injured or pulled down, to be levied by Distress and Sale of the Goods and Chattels of such Offender or Offenders, by Warrant under the Hand and Seal, or Hands and Seals, of One or more Justice or Justices of the Peace for the County

Penalty on defacing Mile-stones;

to be levied by Distress.

County of Suffolk, before whom such Conviction shall be made; One Moiety of which Penalty shall go to the Informer, and the other Moiety shall be laid out and applied in repairing the Stones so broken, pulled down, obliterated, defaced, or injured, or in supplying new Ones in their Stead, and if there shall be any Overplus, the same shall be laid out and applied in repairing the said Road; and in case the said Penalty shall not be forthwith paid upon Conviction of the Offender or Offenders, that then it shall and may be lawful for the said Justice or Justices, before whom such Offender or Offenders shall have been convicted as aforesaid, or for any other Justice or Justices of the Peace for the said County, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the House of Correction or Common Gaol for any Time not exceeding One Month, or until such Penalty shall be paid on such Conviction or Convictions as aforesaid.

On Non-payment, Offender to be committed.

And be it further enacted, That if any Person or Persons during the Continuance of this Act, shall hale or draw, or cause to be haled or drawn, upon any Part of the said Road, any Tree or Trees, Piece or Pieces of Timber, otherwise than upon Wheel-carriages; or shall suffer any Part of any Tree or Piece of Timber, which shall be conveyed upon Wheel-carriages, to drag or trail upon any Part of the said Road, to the Prejudice of such Road; or draw any Plough upon or across the said Road, or any Part thereof, whereby the said Road, or any Part thereof, shall or may be prejudiced; every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings.

Penalty on haling Timber otherwise than on Wheel-carriages, &c.

And be it enacted by the Authority aforesaid, That if any Person or Persons shall at any Time or Times, during the Continuance of this Act, assault, interrupt, hinder or disturb, or cause or attempt to be assaulted, interrupted, hindered or disturbed, any Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, or other Officer or Officers appointed by virtue of this Act, or any of them, in the Execution of either his or their respective Offices, Duties or Places, or any other Person or Persons by them, or any of them, or by the said Trustees, or any Five or more of them, employed in the Execution of this Act, or employed in the cutting, digging, taking or carrying away of any Furze, Heath, Ling, Stones, Gravel, Sand or other Materials, for the repairing or widening the said Road, or any Part thereof,

Penalty on assaulting any Person in the Execution of this Act.

thereof, or in topping, lopping, cutting down or removing any Tree or Trees, or Bushes as aforesaid, or in digging, cleansing or scowering of any Ditch, Drain, Sink or Water-course, or in plashing or cutting any Hedge or Hedges, or in doing any other Act, Matter or Thing whatsoever, in or upon, or for the repairing, widening, or altering the said Road, or any Part thereof, or otherwise in or for the Execution of the Powers and Authorities hereby given, or any of them; every such Person or Persons shall, for every such Offence, forfeit and pay the Sum of Forty Shillings.

Penalties and Forfeitures how to be recovered and applied.

And be it further enacted by the Authority aforesaid, That all Penalties and Forfeitures herein or hereby inflicted (the Manner of Recovery and levying whereof is not herein or hereby otherwise particularly prescribed or directed) shall upon Proof of the Offence or Offences respectively, before any Justice or Justices of the Peace for the County of Suffolk, either by the Confession of the Party or Parties, or by the Oath or Oaths of One or more Witness or Witnesses, be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant or Warrants under the Hand and Seal, or Hands and Seals of such Justice or Justices, which Warrant or Warrants any such Justice or Justices is and are hereby authorised and required to grant for those respective Purposes, and to administer such Oath or Oaths gratis; and the Overplus remaining after such Penalties and Forfeitures are recovered, and the Charges of such Distress and Sale are deducted and paid, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; which said Penalties and Forfeitures so to be levied as aforesaid, or otherwise paid, and every Part thereof (if not otherwise directed to be applied by this Act) shall from Time to Time be paid to the said Trustees, or any Five or more of them, or to the Treasurer or Treasurers, Clerk or Clerks for the Time being, and shall be applied and laid out in the Repair of the Road, or in putting this Act in Execution; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall and may be lawful for any such Justice or Justices, and he or they are hereby authorised and required, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be sent to the House of Correction or Common Gaol where the Offence shall be committed, there to remain without Bail or Mainprize for any Time

For want of Distress, Offender to be committed.

not exceeding One Month for the first Offence, or until such Penalties and Forfeitures and all reasonable Charges shall be sooner paid and satisfied; and for the second Offence, and any other Offence of the same Kind or Nature, to commit such Offender or Offenders to the said House of Correction or Common Gaol for any Time not exceeding Three Months, or less than One Month, or until such Penalties and Forfeitures and all reasonable Charges shall be fully paid and satisfied.

Persons aggrieved may appeal to the Quarter-Sessions

Provided nevertheless, That if any Person or Persons shall think him, her, or themselves aggrieved by any Matter or Thing done by virtue or in pursuance of this Act (and for which no particular Method of Relief hath been already prescribed or appointed) such Person or Persons may, within the Space of Six Months after the Cause of Complaint shall have arisen, appeal to the Justices of the Peace at any General Quarter-sessions of the Peace, to be holden for the County, Division, or Place wherein the Offence was committed) he, she, or they, causing Fourteen entire Days Notice in Writing of such Appeal, and of the Cause or Matter thereof, to be given to the Clerk or Treasurer for the Time being to the said Trustees, or to some or One of the Receivers or Collectors of the said Tolls, or Surveyors of the said Road, and within Fourteen Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County, Division or Place, with Two sufficient Sureties that are Householders, conditioned to try such Appeal at, and abide the Order or Judgement of, and pay such Costs as shall be awarded by such Justices at such Quarter-sessions) which said Justices at their said Sessions, or the major Part of them, upon due Proof of such Notice being given, and of entering into such Recognizances as aforesaid, shall, and are hereby directed to proceed in, hear, and determine the Causes and Matters of such Appeals and every of them, and shall give such Relief and Costs to the Parties appealing or appealed against, as they, or the major Part of them in their Discretion shall judge proper and reasonable; and their Judgements and Orders therein shall be final and conclusive to all Parties concerned.

Commencement and Continuance of this Act.

And be it enacted by the Authority aforesaid, That this present Act, and the several Tolls, Authorities, and Powers herein and hereby made payable and given, shall comence and have Continuance from the Fifth Day of April, One thousand seven hundred and seventy, for

and during the Term of Twenty-one Years, and from thence to the End of the next Seſſion of Parliament.

Proceedings to be entered in Books.

And be it further enacted, That all Orders and Proceedings of the ſaid Truſtees in the Execution of the Powers and Authorities hereby to them given, ſhall from Time to Time be entered in a Book or Books to be kept for thoſe Purpoſes; and ſuch Orders and Proceedings ſo entered, ſhall be ſigned by the Clerk or Clerks to the ſaid Truſtees, and ſuch Orders ſhall be taken and deemed to be original Orders; and which ſaid Book or Books, and alſo the Book or Books directed to be kept for the regiſtering of the ſaid Mortgages, Aſſignments, and Tranſfers, ſhall and may be produced and read in Evidence in all Courts whatſoever.

Writings to be without Stamps.

Provided always, That no Nomination, Appointment, Order, Conviction, Judgement, Warrant, Mortgage, Aſſignment, Tranſfer, or other Security for borrowing of Money, or other Writing or Inſtrument whatſoever, relating to the Execution of this Act, ſhall be charged or chargeable with any Stamp-duty whatſoever.

Diſtreſs not unlawful for want of Form,

And be it further enacted by the Authority aforeſaid, That no Order or Conviction, or any Proceeding to be had touching the Conviction of any Offender or Offenders againſt this preſent Act, or any Order made or other Matter or Thing to be done or tranſacted, touching any Matter in or relating to the Execution of this Act, ſhall

nor removeable by *Certiorari.*

be vacated or quaſhed for want of Form only, or be liable to be removed by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter, any Law or Statute to the contrary hereof notwithſtanding.

Limitation of Actions.

And be it further enacted by the Authority aforeſaid, That if any Action or Actions, Suit or Suits, ſhall be brought againſt any Perſon or Perſons, for any Thing done or to be done by virtue or in purſuance of this Act, or in relation to the Matters herein contained, every ſuch Action or Suit, ſhall be commenced within the Space of Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be brought, laid and tried, in the County or Place where the Cauſe of Action ſhall ariſe, and not elſewhere; and that the Defendant or Defendants, in ſuch Actions and Suits, and every of

General Iſſue.

them, may plead the General Iſſue, and give this Act, and the ſpecial Matter in Evidence, on any Trial or Trials that ſhall be had thereupon; and that the Matter or Thing was done in purſuance and by the Authority of this

this Act: And if the Matter or Thing shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in such Case or Cases the Jury shall find for the Defendant or Defendants therein; or if a Verdict or Verdicts shall be found for such Defendant of Defendants, or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance of such his, her, or their Action or Actions, Suit or Suits; or if upon any Demurrer or Demurrers in such Action or Actions, Suit or Suits, Judgement shall be given for the Defendant or Defendants therein; then, and in either, and in every of the Cases aforesaid, such Defendant or Defendants shall have Treble Costs, and shall have such Remedies for recovering the same, as any Defendant or Defendants hath or have for his, her or their Costs, in any other Cases by Law.

And be it further enacted by the Authority aforesaid, That this Act shall be adjudged, deemed, and taken, to be a Publick Act; and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whatsoever, without specially pleading the same. Publick Act.

FINIS.